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CRP(PD).No.884 to 886 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP.(PD).Nos.884 to 886 of 2025
and
CMP.Nos.5158, 5163 & 5164 of 2025

Sebastian (Deceased)

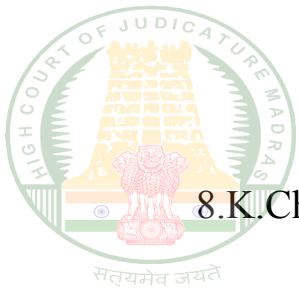
1.M.Harihara Siva Shankar
2.S.Muthukumar

... Petitioners in all CRPs.

Vs.

M.Santhanammal (Deceased)

1.C.Subash Chandra Bose
2.Revathi Kumarasubramaniam
3.C. Murthy
4.C. Kalaichelvan
5.C.Sivasubramanian @ Murugan
6.C.Udayakumar
7.C.Ashtalakshmi



8.K.Chittibabu

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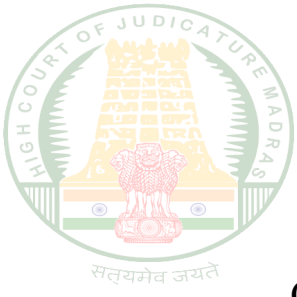
... Respondents in all CRPs

Prayer in CRP.No.884 of 2025:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order dated 02.09.2024 made in IA.No.11 of 2023 in OS.No.249 of 2006 passed by the learned Additional District Judge, Chengalpattu by allowing this CRP.

Prayer in CRP.No.885 of 2025:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order dated 02.09.2024 made in IA.No.12 of 2023 in OS.No.249 of 2006 passed by the learned Additional District Judge, Chengalpattu by allowing this CRP.

Prayer in CRP.No.886 of 2025:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order dated 02.09.2024 made in IA.No.13 of 2023 in OS.No.249 of 2006 passed by the learned Additional District Judge, Chengalpattu by allowing this CRP.

For Petitioner : M/s.S.Kanmani Annamalai



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CRP(PD).No.884 to 886 of 2023



COMMON ORDER

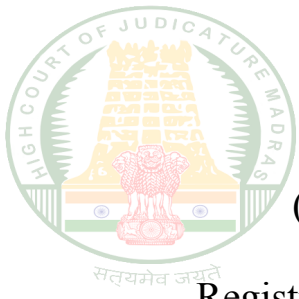
Challenging the dismissal of their applications in I.A.Nos.11 to 13 of 2023 by the Additional District Judge, Chengalpattu, the plaintiffs are the appellants before this Court.

Brief Facts:-

2. The plaintiffs had filed a suit O.S.No.249 of 2006 for a declaration to declare that the registered Settlement Deed dated 16.02.2006 in respect of suit property as null and void and to declare the registered sale deed dated 24.03.2006 in respect of suit property as illegal, invalid and not binding on the plaintiffs and for a relief of delivery of vacant possession of the suit property to the plaintiffs and for a permanent injunction restraining the defendants from interfering with their peaceful possession and enjoyment of the suit property.

3. After evidence of both sides has been recorded and when the suit was posted for arguments, the plaintiffs have come forward with the following applications:-

(i) I.A.No.11 of 2023- to reopen the plaintiff's side evidence.



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(ii) I.A.No.12 of 2023 - to issue Subpoena to the Joint Sub Registrar, Chengalpattu to produce the Registration particulars related to Ex.A.16 as marked in the above suit.

(iii) IA.No.13 - to issue Subpoena to Mr.S.Velmurugan, Advocate, the author of Ex.B.11 to produce the Registration particulars related to Ex.A.16 as marked in the above suit.

4. The basis on which the applications were filed is that the Advocate Mr.S.Velmurugan had wrongly advised defendants to purchase the suit property and this fact has been elicited in the cross examination of D.9 wherein he had categorically deposed that only based on the legal opinion found in Ex.B.11, he had decided to purchase the suit property. Therefore, the plaintiffs would seek to examine Mr.Velmurugan. They would seek to examine the Joint Sub Registrar, Chengalpattu as the Joint Sub Registrar had registered the document without even ascertaining the right or title of the executant. In order to examine these two persons, the plaintiffs would seek to reopen the plaintiff's side evidence.



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5. The learned Additional District Judge, Chengalpattu, after considering the arguments and perusing the records had proceeded to dismiss these applications. Challenging, the same the petitioners/plaintiffs are before this Court.

6. Heard the counsel for the petitioners and perused the records.

7. The petitioners/plaintiffs have come to Court to declare two documents as invalid and for recovery of possession as well as injunction. The petitioners/plaintiffs who have come to Court have to prove their case and they cannot draw strength from a stray statement made by the 9th defendant that he had received wrong legal advice. The Advocate in question has discharged his professional duties and what he has given is only an opinion. He cannot be questioned on an opinion that he has given. The Sub Registrar does not have the authority to consider the title of the property as this exercise can only be done by a Civil Court.

8. Therefore, the grounds on which the petitioners seek to issue Subpoena to the above two persons are absolutely baseless and are not



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germane to the issue on hand. Therefore, there is no reason to disagree with the order passed by the learned Additional District Judge, Chengalpattu. Accordingly, the Civil Revision Petitions stand dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

05.03.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The Additional District Judge, Chengalpattu.

P.T. ASHA. J.,



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(shr)

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